

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA :
v. : NO. 3:99CR22(EBB)
WALTER GONZALEZ :

RULING ON PETITION FOR CONSTRUCTIVE CONTEMPT

On August 17, 1999, this court sentenced defendant Walter Gonzalez to a term of 120 months. Because defendant was then serving a sentence imposed by the State of Connecticut, the court ordered its sentence to commence on the date of defendant's release from state custody or June 24, 2005, whichever date was earlier. The court's intention was that, if defendant was not released by the state prior to June 24, 2005, his federal sentence would run concurrently with the state sentence from that date and he would be placed in federal custody to serve any federal time remaining after his release by the state.

Contrary to petitioner's claim, this court does not have the authority to require the state to cede its custody of the defendant to the federal government. In re. Liberatore, 574 F.2d 78, 89 (2d Cir. 1978).

The petition [Doc. No. 18] is denied.

SO ORDERED.

ELLEN BREE BURNS, SENIOR JUDGE
UNITED STATES DISTRICT COURT

Dated at New Haven, CT, this ____ day of March, 2007.